IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 524 of 2007()

CRMP.12/2007 of SPL. COURT (NDPS ACT CASES), VADAKARA

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CRIME NO.12/07 OF MALAPPURAM POLICE STATION

: ACCUSED

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1. SIDDIQUE, S/O.MUHAMMED
   THARAMMAL HOUSE, MAYILADI
   POOKOTTUR, MALAPPURAM DISTRICT

2. ABDUL MAJEED, S/O. ALAVI
   PARAPURATH HOUSE, MAYILADI
   POKOTTUR, MALAPPURAM DISTRICT

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION THROUGH
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 524 OF 2007 A

Dated this the 1st day of February, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1 and 2 in Crime No.12/2007 of Malappuram Police Station for offences punishable under Secs.20(b)(ii)B of the N.D.P.S. Act for allegedly having been found transporting 5.850 Kgs of Ganga in a car belonging to the 2nd accused and who were arrested on 4.1.2007, seek their enlargement on bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. It is too early to accept the contention that the first petitioner, who is having 70% locomotor disability, could not have carried the narcotic drug as alleged.

4. I am not satisfied that both the grounds enumerated under section 37(1)(b)(ii) of the N.D.P.S. Act are present in this case so as to justify the release of the petitioners on bail.

This Application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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